

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 115

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Jim Trujillo

AN ACT

RELATING TO LOCAL DWI GRANT PROGRAMS; INCREASING THE TAX
DISTRIBUTION TO THE LOCAL DWI GRANT FUND; INCREASING
DISTRIBUTIONS FROM THE FUND; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A
distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
made to the local DWI grant fund in an amount equal to [~~thirty-~~
~~four and fifty-seven hundredths~~] forty-five percent of the net
receipts attributable to the liquor excise tax."

Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
Chapter 65, Section 3, as amended) is amended to read:

"11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

underscored material = new
[bracketed material] = delete

1 A. The division shall establish a local DWI grant
2 program to make grants to municipalities or counties for:

3 (1) new, innovative or model programs,
4 services or activities to prevent or reduce the incidence of
5 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
6 and

7 (2) programs, services or activities to
8 prevent or reduce the incidence of domestic abuse related to
9 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

10 B. Grants shall be awarded by the council pursuant
11 to the advice and recommendations of the division.

12 C. The "local DWI grant fund" is created in the
13 state treasury and shall be administered by the division. [~~Two~~
14 ~~million five hundred thousand dollars (\$2,500,000)] Four
15 million dollars (\$4,000,000) of liquor excise tax revenues
16 distributed to the fund and all other money in the fund, other
17 than money appropriated for distribution pursuant to
18 Subsections D and E of this section and money appropriated for
19 DWI program distributions, are appropriated to the division to
20 make grants to municipalities and counties upon council
21 approval in accordance with the program established under the
22 Local DWI Grant Program Act and to evaluate DWI grantees and
23 the local DWI grant program. Money in the fund may be used for
24 drug courts. An amount equal to the liquor excise tax revenues
25 distributed annually to the fund less [~~five million six hundred~~~~

. 149070. 1

underscored material = new
[bracketed material] = delete

1 ~~thousand (\$5,600,000)]~~ seven million one hundred thousand
2 dollars (\$7,100,000) is appropriated to the division to make
3 DWI program distributions to counties upon council approval of
4 programs in accordance with the provisions of the Local DWI
5 Grant Program Act. No more than six hundred thousand dollars
6 (\$600,000) of liquor excise tax revenues distributed to the
7 fund in any fiscal year shall be expended for administration of
8 the grant program. Balances in the fund at the end of any
9 fiscal year shall not revert to the general fund.

10 D. Two million eight hundred thousand dollars
11 (\$2,800,000) of the liquor excise tax revenues distributed to
12 the local DWI grant fund is appropriated to the division for
13 distribution to the following counties in the following amounts
14 for funding of alcohol detoxification and treatment facilities:

15 (1) one million seven hundred thousand dollars
16 (\$1,700,000) to class A counties with a population of over
17 three hundred thousand persons according to the 1990 federal
18 decennial census;

19 (2) three hundred thousand dollars (\$300,000)
20 each to counties reclassified in 2002 as class A counties with
21 a population of more than ninety thousand but less than one
22 hundred thousand persons according to the 1990 federal
23 decennial census;

24 (3) two hundred thousand dollars (\$200,000) to
25 class B counties with a population of more than thirty thousand

. 149070. 1

underscored material = new
[bracketed material] = delete

1 but less than forty thousand persons according to the 1990
2 federal decennial census;

3 (4) one hundred fifty thousand dollars
4 (\$150,000) to class B counties with a population of more than
5 sixty-two thousand but less than sixty-five thousand persons
6 according to the 1990 federal decennial census; and

7 (5) one hundred fifty thousand dollars
8 (\$150,000) to class B counties with a population of more than
9 thirteen thousand but less than fifteen thousand persons
10 according to the 1990 federal decennial census.

11 E. Three hundred thousand dollars (\$300,000) of the
12 liquor excise tax revenues distributed to the local DWI grant
13 fund is appropriated to the division for the interlock device
14 fund to cover the costs of installing and removing ignition
15 interlock devices for indigent people who are required,
16 pursuant to convictions under Section 66-8-102 NMSA 1978, to
17 install those devices in their vehicles.

18 F. In awarding DWI grants to local communities, the
19 council:

20 (1) may fund new or existing innovative or
21 model programs, services or activities designed to prevent or
22 reduce the incidence of DWI, alcoholism or alcohol abuse;

23 (2) may fund existing community-based
24 programs, services or facilities for prevention, screening and
25 treatment of alcoholism and alcohol abuse;

. 149070. 1

underscored material = new
[bracketed material] = del ete

1 (3) may fund new or existing innovative or
2 model programs, services or activities of any kind designed to
3 prevent or reduce the incidence of domestic abuse related to
4 DWI, alcoholism or alcohol abuse;

5 (4) may fund existing community-based
6 programs, services or facilities for prevention and treatment
7 of domestic abuse related to DWI, alcoholism or alcohol abuse;

8 (5) shall give consideration to a broad range
9 of approaches to prevention, education, screening, treatment or
10 alternative sentencing, including programs that combine
11 incarceration, treatment and aftercare, to address the problem
12 of DWI, alcoholism or alcohol abuse; and

13 (6) shall make grants only to counties or
14 municipalities in counties that have established a DWI planning
15 council and adopted a county DWI plan or are parties to a
16 multicounty DWI plan that has been approved by the council and
17 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
18 for programs, services or activities consistent with that plan.
19 A DWI plan shall also comply with local DWI grant program rules
20 and guidelines.

21 G. The council shall use the criteria in Subsection
22 F of this section to approve DWI programs, services or
23 activities for funding through the county DWI program
24 distribution. Sixty-five percent of the DWI grants awarded to
25 local communities shall be used for alcohol-related treatment

underscored material = new
[bracketed material] = delete

1 and detoxification programs. "

2 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,
3 Chapter 182, Section 2, as amended) is amended to read:

4 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
5 FUNDS-- APPROVAL OF PROGRAMS. --

6 A. An amount equal to the liquor excise tax
7 revenues distributed to the local DWI grant fund for the fiscal
8 year less [~~five million six hundred thousand dollars~~
9 ~~(\$5,600,000)~~] seven million one hundred thousand dollars
10 (\$7,100,000) shall be available for distribution in accordance
11 with the formula in Subsection B of this section to each county
12 for council-approved DWI programs, services or activities;
13 provided that each county shall receive a minimum distribution
14 of at least one-half percent of the money available for
15 distribution.

16 B. Each county shall be eligible for a DWI program
17 distribution in an amount derived by multiplying the total
18 amount of money available for distribution by a percentage that
19 is the average of the following two percentages:

20 (1) a percentage equal to a fraction, the
21 numerator of which is the retail trade gross receipts in the
22 county and the denominator of which is the total retail trade
23 gross receipts in the state; and

24 (2) a percentage equal to a fraction, the
25 numerator of which is the number of alcohol-related injury

underscored material = new
[bracketed material] = delete

1 crashes in the county and the denominator of which is the total
2 alcohol-related injury crashes in the state.

3 C. A county shall be eligible to receive the
4 distribution determined pursuant to Subsection B of this
5 section if the board of county commissioners has submitted to
6 the council a request to use the distribution for the operation
7 of one or more DWI programs, services or activities in the
8 county and the request has been approved by the council. The
9 request shall also comply with local DWI grant program rules
10 and guidelines.

11 D. No later than April 1 each year, each board of
12 county commissioners seeking approval for the DWI program
13 distribution pursuant to this section shall make application to
14 the division for review and approval by the council for one or
15 more local DWI programs, services or activities in the county.
16 Application shall be made on a form and in a manner determined
17 by the division. The council shall approve the programs
18 eligible for a distribution no later than July 1 of each year.
19 The division shall make the annual distribution to each county
20 in quarterly installments on or before each September 10,
21 December 10, March 10 and June 10, beginning in September 2004.
22 The amount available for distribution quarterly to each county
23 shall be the amount determined by applying the formula in
24 Subsection B of this section to the amount of liquor excise tax
25 revenues in the local DWI grant fund at the end of the month

. 149070. 1

underscored material = new
[bracketed material] = delete

1 prior to the quarterly installment due date and after [~~one~~
2 ~~million three hundred twenty-five thousand dollars~~
3 ~~(\$1,325,000)~~] one million seven hundred seventy-five thousand
4 dollars (\$1,775,000) has been set aside for the DWI grant
5 program and [after] the [~~appropriations and~~] distributions
6 pursuant to Subsections D and E of Section 11-6A-3 NMSA 1978.

7 E. If a county does not have a council-approved DWI
8 program, service or activity or does not need the full amount
9 of the available distribution, the unused money shall revert to
10 the local DWI grant fund and may be used by the council for the
11 local DWI grant program.

12 F. As used in this section:

13 (1) "alcohol-related injury crashes" means the
14 average annual number of alcohol-related injury crashes during
15 the period from January 1, 2000 through December 31, 2002, as
16 determined by the traffic safety bureau of the state [~~highway~~
17 ~~and~~] department of transportation [~~department~~]; and

18 (2) "retail trade gross receipts" means the
19 total reported gross receipts attributable to taxpayers
20 reporting under the retail trade industry sector of the state
21 for the most recent fiscal year as determined by the taxation
22 and revenue department. "

23 Section 4. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2004.